

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :7109 of 2007

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DATED:09-04-2007

BETWEEN:

Veeramachaneni Amarendra Prasad Rao.

..... PETITIONER

AND

The Superintendent of Police,
Krishna,
Machilipatnam & another.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in repeatedly calling to the police station and harassing the petitioner without there being any case pending against him, as illegal and arbitrary.

3. It is the case of the petitioner that he worked as the President of Tatakuntla Primary Agricultural Co-operative Society Limited, Vissannapeta Mandal, Krishna District for the period from 1995-2002. With regard to the allegation that the petitioner has misappropriated the funds of the Society, an enquiry has been ordered under Section 51 of the Andhra Pradesh Co-operative Societies Act (for brevity, 'the Act') and final order has been passed in Rc.No.1457/2002/G, dated 30-08-2003 under Section 60(1) of the Act by the Deputy Registrar of Co-operative Societies, Nuzvid, absolving the allegations against the petitioner and the proposed action was dropped. Even after the aforesaid order, without there being any complaint, whatsoever, by anybody the respondents are interfering with the personal life and liberty of the petitioner. Hence, the present Writ

Petition.

4. I am not inclined to express any opinion whether any complaint has been filed against the petitioner alleging that a cognizable offence has been committed by him. But however, without there being any complaint police cannot interfere with the personal life and liberty of the petitioner.

5. Having regard to the facts and circumstances of the case, respondents are directed not to interfere with the personal life and liberty of the petitioner without there being any complaint, whatsoever, filed by anybody alleging that the petitioner has committed a cognizable offence. If there is any such complaint it is open for the respondents to take appropriate action in accordance with law.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH, J

09th April, 2007

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